



Food and Nutrition Service
Braddock Metro Center
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DATE: February 15, 2023
MEMO CODE: SP 03-2023, CACFP 02-2023
SUBJECT: Offsite Monitoring of the Child and Adult Care Food Program and School Meal Programs After the Public Health Emergency Ends
TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

Issuing Agency/Office:	FNS/Child Nutrition Programs
Title of Document:	Offsite Monitoring of the Child and Adult Care Food Program and School Meal Programs After the Public Health Emergency Ends
Document ID:	
Z-RIN:	
Date of Issuance:	February 15, 2023
Replaces:	
Summary:	(1) This memorandum provides guidance regarding the expiration of offsite monitoring for the Child and Adult Care Food Program and School Meal Programs. Guidance on the following waivers is included: Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 3, Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program – EXTENSION, and Nationwide Waiver of Onsite Monitoring Requirements in the School Meal Programs – Revised – Extension 3. (2) This memorandum relates to onsite monitoring requirements for the Child and Adult Care Food Program found at Section 17 of the Richard B. Russell National School Lunch Act, as amended [42 U.S.C. 1766], as well as regulations at 7 CFR 226.6(b)(1) and 226.6(m)(6) and 7 CFR 226.16(d)(4)(iii) and onsite monitoring requirements for the School Meal Programs found at 7 CFR 210.8, 210.16(a), 210.18, 220.7, 220.8(h), and 220.11(d). (3) This memorandum applies to State agencies administering and Program operators implementing the Child and Adult Care Food Program and the School Meals Programs.

The purpose of this memorandum is to provide guidance regarding the expiration of offsite monitoring for the Child and Adult Care Food Program (CACFP) and the School Meal Programs after the COVID-19 public health emergency ends. These programs, as defined by the National

School Lunch Act (42 U.S.C. 1751, 1761, 1766,1773) have onsite monitoring requirements that were impacted by the COVID-19 public health emergency. Section 2202 (a) of the Families First Coronavirus Response Act (Public Law 116-127), as extended by the Continuing Appropriations Act, 2021 and Other Extensions Act (PL 116-159), allowed the Secretary of Agriculture to establish nationwide waivers. The Food and Nutrition Service (FNS) issued nationwide waivers that allowed State agencies and Program operators to waive the requirements for onsite monitoring through implementation of these waivers. As a result, offsite monitoring practices were permissible to protect the integrity of these programs while minimizing exposure to COVID-19 until 30 days after the end of the public health emergency, which was first declared on January 31, 2020 by the United States Department of Health and Human Services.

Pursuant to a February 9, 2023 declaration by the Secretary of the Department of Health and Human Services, the current public health emergency has been extended to May 11, 2023. The Administration has announced that, at present, the plan is for the COVID-19 public health emergency to expire on that date. In the event that the emergency ends on May 11, on June 10, 2023 nationwide onsite monitoring waivers will expire and onsite monitoring requirements for CACFP and School Meal Programs will be in effect.

Upon 30 days after the expiration of the public health emergency, this memorandum will supersede the following waivers related to onsite monitoring:

- [Nationwide Waiver of Onsite Monitoring Requirements for State Agencies in the Child and Adult Care Food Program – EXTENSION 3](#)
- [Nationwide Waiver of Onsite Monitoring Requirements for Sponsors in the Child and Adult Care Food Program – EXTENSION](#)
- [Nationwide Waiver of Onsite Monitoring Requirements in the School Meal Programs – Revised – EXTENSION 3](#)

Due to uncertainty of the timing of the end of the public health emergency, FNS also exercised its waiver authority under section 12(l) of the National School Lunch Act (42 U.S.C. 1760) which allows FNS to waive certain requirements of the Child Nutrition Programs. During school year 2022-23, FNS allowed State agencies to submit waiver requests of onsite monitoring through FNS's 12(l) waiver authority. These state-specific waivers are set to expire on June 30, 2023, and are not affected by the end of the public health emergency.

The Food and Nutrition Service appreciates the exceptional efforts of State agencies and local Program operators in their efforts to maintain Program integrity during the public health emergency. State Agencies are reminded to distribute this memorandum to Program operators immediately. Program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional Office.

Sincerely,

Original Signed

Jessica Saracino
Director
Program Monitoring and Operational Support Division